THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1067 of 2006

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23.01.2006

Between:

Mantha Kamala Rani, W/o.Srinivasa Rao

... Petitioner

AND

The Commissioner,

Rajahmundry Municipal Corporation,

Rajahmundry, East Godavari District

...Respondent

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1067 of 2006

ORDER:

The petitioner is allegedly owner of plot No.130 and compound wall therein, situated at R.T.C.Complex Road, Rajahmundry. It appears, in connection with widening of the said road from existing 40 feet width to 60 feet width, the officials of the respondent-Corporation conducted survey and marked the portion of the petitioner's property, which is likely to be affected by the road widening. The petitioner

apprehends that the respondent-Corporation may demolish and forcibly dispossess the petitioner without due process of law. Therefore, placing reliance on the judgment of the Division Bench of this Court in **P.Lakshmana Rao v Executive Officer** and an unreported judgment delivered by me in W.P.No.26547 of 2005, dated 13.12.2005, the petitioner filed the instant writ petition. She seeks, *inter alia,* a direction to the respondent to follow due process of law before causing any damage to the petitioner's property.

After getting instructions from his client, the learned Standing Counsel for Rajahmundry Municipal Corporation submits that only survey was conducted, and the Corporation is trying to negotiate with the owners of the properties to take consent before implementing the road widening programme. He also submits that if the petitioner is not willing to give consent, the land will be acquired by due process of law. The same is recorded.

The Writ Petition is accordingly disposed of observing that if the petitioner is not willing to give consent for acquiring the land, it shall be open to the respondent-Corporation to acquire the property by resorting to the procedure under Section 147 of the Hyderabad Municipal Corporations Act, 1955, and till then, the petitioner cannot be deprived of her right to enjoy the property, nor the Corporation can demolish the petitioner's house forcibly. No costs.

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(**V.V.S.RAO, J**)

January 23, 2006.

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